

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant(s): K. HONDA, et al

Serial No.: 10/663,480

Filed: September 15, 2003

For: VIRTUALIZATION CONTROLLER AND DATA TRANSFER
CONTROL METHOD

Group: 2189

Examiner: H. L. Flournoy

REQUEST FOR APPLICATION OF PREVIOUSLY PAID ISSUE FEE

MS Issue Fee

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 5, 2007

Applicants submit that the above-referenced application was originally allowed by a Notice of Allowance dated June 16, 2006, for which the Issue Fee was paid on August 18, 2006.

However, in accordance with 37 CFR §1.313(c)(2), Applicants filed a Petition to Withdraw the above-referenced application from issue in favor of a Request for Continued Examination (RCE) so as to permit consideration of a Preliminary Amendment and Information Disclosure Statement filed on September 12, 2006.

The September 12, 2006 Petition to Withdraw from Issue was Granted by the Office of Petitions on September 13, 2006. Upon granting the September 12, 2006 Petition to Withdrawn from Issue, the Office of Petitions indicated that if the application is again allowed the Issue Fee paid on August

18, 2006 can be applied towards the Issue Fee of the new Notice of Allowance.

The Examiner upon examining the application based on the September 12, 2006 RCE, Preliminary Amendment and Information Disclosure Statement again allowed the application by the October 5, 2006 Notice of Allowance for which the Issue Fee was due on January 5, 2007.

Applicants again submitted a Request for Continued Examination (RCE) so as to permit consideration of an Information Disclosure Statement filed on January 5, 2007.

Accordingly, Applicants hereby respectfully request that the Issue Fee paid on August 18, 2006 in the amount of \$1,700.00 for the above-referenced application be applied toward the Issue Fee with respect to the new Notice of Allowance dated February 26, 2007 being paid on even date herewith. Attached herewith is a copy of the September 13, 2006 Decision granting the Petition filed on September 12, 2006.

Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (TMI-5362) please credit any excess fees to such deposit account.

Respectfully submitted,

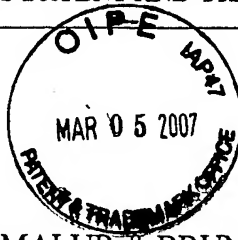


Carl I. Brundidge
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UNITED STATES PATENT AND TRADEMARK OFFICE



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OFFICE OF PETITIONS

In re Application of
Kiyoshi Honda, et al.
Application No. 10/663,480
Filed: September 15, 2003
Attorney Docket No.: TMI-5362

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ON PETITION

This is a decision on the petition, filed September 12, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

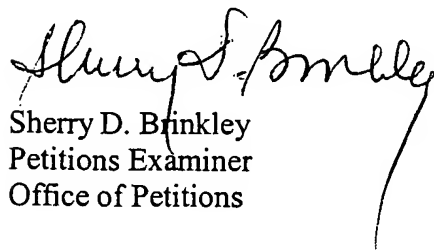
The petition is **GRANTED**.

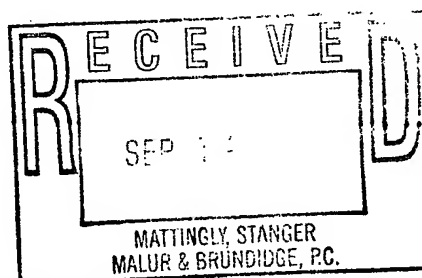
The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on August 18, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.*¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2189 for further processing of the request for continued examination under 37 CFR 1.114.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



¹The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).